

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

TYLETTE CULL

Plaintiff,

5:06-CV-0447
(NAM)(GJD)

vs.

SYRACUSE HOUSING AUTHORITY

Defendant.

APPEARANCES:

Office of George S. Mehallow
201 South Main Street
Suite 310 B
North Syracuse, NY 13212
Attorney for Plaintiff

OF COUNSEL:

George S. Mehallow

NORMAN A. MORDUE, Chief U.S. District Judge

ORDER OF DISMISSAL

The Court placed this action on its October 17, 2007, dismissal calendar pursuant to Local Rule 41.2 for failure to prosecute. In a letter dated September 26, 2007, the Court instructed the parties to file a certificate setting forth the status of the action or proceeding and to show good cause why the action should not be dismissed on or before October 1, 2007, and advised plaintiff that failure to do so would result in dismissal of this action. Neither party has filed a status report or certificate. Accordingly, having considered: (1) the duration of plaintiff's failure to prosecute this action; (2) plaintiff's receipt of the Court's letter dated September 26, 2007, informing that failure to file a status report or certificate would result in dismissal; (3) that defendant is likely to be prejudiced by further delay; (4) the importance of striking a balance between calendar congestion and protecting plaintiff's right to due process and a fair chance to be heard; and (5)

that lesser sanctions would be ineffective in the absence of any evidence that plaintiff intends to pursue this claim, *see LeSane v. Hall's Sec. Analyst, Inc.*, 239 F.3d 206, 209 (2d Cir. 2001), it is hereby

ORDERED that the complaint is DISMISSED without prejudice pursuant to Local Rule 41.2.

IT IS SO ORDERED.

Dated: October 17, 2007



Norman A. Mordue
Chief United States District Court Judge

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